



**CITY OF LODI
COUNCIL COMMUNICATION**

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AGENDA TITLE: Introduce Ordinance Amending Lodi Municipal Code Title 17, "Zoning", Chapter 17.39, "C-2 General Commercial District", and Chapter 17.42 "C-M Commercial-Light Industrial District", to add Cardrooms as a permitted use, with a use permit, in both the C-2 and C-M zoning districts.

MEETING DATE: July 19, 2006 City Council Meeting

PREPARED BY: City Attorney's Office

RECOMMENDED ACTION: Introduce the ordinance as presented.

BACKGROUND INFORMATION: Section 5.12.140(E) of Chapter 5 of the Lodi Municipal Code "Cardrooms", states in pertinent part: "No gambling establishment may be located in any zone which has not been specifically approved for such a business. Additionally none may be located near any of the unsuitable areas, as specified in Business and Professions Code section 19852(a)(3) [renumbered as 19852 and amended by statute in 2002]."

A review of Title 17 (Zoning) of the Code, indicates that no zoning districts within the City specifically allow for cardrooms. At the request of the Community Development Director, the City Attorney's office drafted the proposed ordinance to allow for cardrooms, subject to securing a use permit, within the C-2 (general commercial) and C-M (commercial-light industrial) zoning districts. It is the consensus of the Community Development Director and the City Attorney's office that cardrooms would be a compatible use within the C-2 and C-M zoning districts.

FUNDING: None.

FISCAL IMPACT: None.

Approved: _____

Janice D. Magdich
Deputy City Attorney

Attachment: Proposed Ordinance

cc: Randy Hatch, Community Development Director

City/CounCom/Ordinances/CardroomZoning.doc

APPROVED: _____

Blair King, City Manager

DRAFT

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI
AMENDING LODI MUNICIPAL CODE TITLE 17 – ZONING –
CHAPTER 17.39, “C-2 GENERAL COMMERCIAL DISTRICT,”
AND CHAPTER 17.42 “C-M COMMERCIAL-LIGHT INDUSTRIAL
DISTRICT,” TO ADD CARDROOMS AS A PERMITTED USE WITH
A USE PERMIT IN BOTH THE C-2 AND THE C-M DISTRICTS

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. Lodi Municipal Code Title 17 – Zoning – Chapter 17.39, “C-2 General Commercial District,” is amended to add Section 17.39.025 as follows:

17.39.025 – Permitted Uses – Use Permit.

The following uses are permitted in the C-2 district subject to securing a use permit:

A. Cardroom, as defined by Section 5.12.010(A) of this Code.

SECTION 2. Lodi Municipal Code Title – Zoning – Chapter 17.42, “C-M Commercial-Light Industrial District,” is amended to add Section 17.42.025 as follows:

17.39.025 - Permitted Uses – Use Permit.

The following uses are permitted in the C-M district subject to securing a use permit:

A. Cardroom, as defined by Section 5.12.010(A) of this Code.

SECTION 3. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 4. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 5. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 6. This ordinance shall be published one time in the “Lodi News-Sentinel,” a daily newspaper of general circulation printed and published in the City of Lodi and shall take effect thirty days from and after its passage and approval.

Approved this ____ day of _____, 2006

SUSAN HITCHCOCK
Mayor

Attest:

JENNIFER M. PERRIN
Interim City Clerk
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State of California
County of San Joaquin, ss.

I, Jennifer M. Perrin, Interim City Clerk of the City of Lodi, do hereby certify that Ordinance No. ____ was introduced at a regular meeting of the City Council of the City of Lodi held July 19, 2006, and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held _____, 2006, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

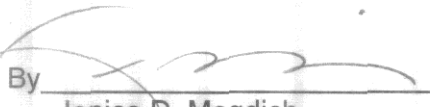
ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. ____ was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

JENNIFER M. PERRIN
Interim City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER
City Attorney

By 
Janice D. Magdich
Deputy City Attorney